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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Report of the Working Group on the Right to Development on its third session
(Geneva, 3-14 October 1994)

Chairman-Rapporteur: Mr. Mohamed Ennaceur (Tunisia)

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Introduction

1. The third session of the Working Group on the Right to Development, which is a continuation of the second session, was held from 3-14 October 1994 at the Palais des Nations, Geneva. It was opened by its Chairman-Rapporteur, Mr. Ennaceur. The Working Group held 19 plenary meetings.

2. In order to assist the Working Group in it tasks, it was decided to set up an open-ended drafting committee under the chairmanship of Mr. Naik. The drafting committee held four meetings.

3. At its 1st meeting, on 3 October, the High Commissioner for Human Rights, Mr. José Ayala Lasso, addressed the Working Group.

4. At its 16th meeting, on 13 October, the Vice-Chairman of the Committee on the Rights of the Child, Mr. Thomas Hammarberg, addressed the Working Group.

5. During its third session, the Working Group focused its attention on the implementation of the Declaration on the Right to Development by Governments and on the contribution of non-governmental organizations in that respect. It also addressed the follow-up to the recommendations of its first and second sessions (adoption of chapter II of the report on its second session) and considered the question of cooperation between the Working Group and the treaty monitoring bodies, as well as the preparations for the World Summit for Social Development.

Composition of the Working Group and attendance

6. The Working Group on the Right to Development at its third session consisted of the following 15 experts: Mr. D.D.C. Don Nanjira (Kenya), Mr. Mohamed Ennaceur (Tunisia), Mr. Alexandre Farcas (Romania), Mr. Orobola Fasehun (Nigeria), Mrs. Ligia Galvis (Colombia), Mr. Haron Bin Siraj (Malaysia), Mr. Stuart Harris (Australia), Mr. Stéphane Hessel (France), Mr. Oleg Malguinov (Russian Federation), Mr. Osvaldo Martínez (Cuba), Mr. Niaz A. Naik (Pakistan), Mr. Pedro Oyarce (Chile), Mr. Pang Sen (China), Mr. Allan Rosas (Finland) and Mr. Vladimir Sotirov (Bulgaria).

7. Observers for States members of the Commission on Human Rights, for other States Members of the United Nations and for non-governmental organizations attended the session. The list of participants is contained in annex I.

Adoption of the agenda

8. The Working Group adopted the agenda for its third session on the basis of the provisional agenda (E/CN.4/AC.45/1994/3). The agenda as adopted is contained in annex II.

9. The Working Group also adopted the draft provisional agenda for its fourth session as contained in annex III.

Documentation

10. In order to perform the tasks entrusted to it, the Working Group took as a basis the documents prepared by the Secretary-General, in particular the reports containing information transmitted by Governments (E/CN.4/AC.45/1994/4 and Add.1) and non-governmental organizations (E/CN.4/AC.45/1994/5 and E/CN.4/AC.45/1994/CRP.1). In addition, it had before it the reports containing information transmitted by United Nations bodies and specialized agencies (E/CN.4/AC.45/1994/6 and Add.1). It also had before it the report on its second session (E/CN.4/1995/11).

11. It also had at its disposal relevant documentation prepared for the World Summit for Social Development as well as the Plan of Action of the International Conference on Population and Development.

12. The complete list of documents before the Working Group at its third session is contained in annex IV.

13. The Working Group expressed its appreciation in particular for the assistance of the secretariat of the Centre for Human Rights, whose dedication, availability and laudable efforts enabled the Working Group to complete its work in good time.

I. IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT BY GOVERNMENTS

14. At its third session, the Working Group received a limited number of written replies from Member States to a note verbale addressed to Governments by the Secretary-General in pursuance of Commission on Human Rights resolution 1994/21 inviting them to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the check-list adopted by the Working Group at its first session. The written replies are contained in document E/CN.4/AC.45/1994/4 and Add.1. The Working Group also heard several oral contributions by Member States. 1/ It expressed its appreciation for the replies received and encouraged Member States to continue to reply in accordance with the guidelines and the check-list.

15. Despite the limited number of replies received, the Working Group considers that they are relatively representative because they reflect the concerns and views of a number of developed and developing countries. The points of view stated in the replies received indicate that there are differences between countries and provide elements for an analysis of the question under consideration.

16. Some Governments also submitted information and analyses on obstacles.

17. Some replies reflect a global perspective on the various dimensions of the right to development: indivisibility; the individual and the collective dimensions; the right to take part in development and to benefit from the results; and the economic, social, cultural and political dimensions of the right to development.

18. In their replies, most Governments gave priority to certain aspects of the right to development over others. This shows that Governments and international organizations have difficulties in defining an integral concept of development and emphasizes the fact that the realization of the right to development in its political, economic, social and cultural dimensions can be the result only of a lengthy and laborious process.

19. Some of the replies received indicate that the right to development must be seen from an integrated perspective. One set of rights should not be given priority over others. They emphasize the correlation between development, democracy, human rights and the environment, as well as the need for equitably shared growth. An integrated approach to development therefore requires the inclusion of all these elements. The replies also indicate that the right to development has both a national and an international dimension and underline the interdependence and interrelationship between the two levels. The replies of some Governments approach the right to development from both the national and the international points of view.

20. In nearly all the replies from developed and developing countries, the right to development is seen in terms of both its individual and its collective dimensions.

21. Some Governments particularly emphasize the issue of peace, observance of international law and non-resort to aggression as necessary preconditions for development.

22. Many Governments stress the importance of popular participation as well as the need to create the necessary conditions for such participation for the realization of the right to development. The participation of women is of particular importance for the implementation of the right to development. Reference is also made to the participation of vulnerable groups and indigenous peoples.

23. Some Governments refer to the measures that can and must be taken internally to implement the Declaration on the Right to Development. They state that the right to development must not be merely a concept, but must become a way of making all human rights operational through programmes such as those related to health, education, housing, poverty, youth, women, the elderly, children, minorities and the environment.

24. The globalization of economic activities appears to be a reality recognized by all States, whatever their political and economic system. Such globalization leads to greater interdependence among States and implies international solidarity and the collective responsibility of the international community.

25. A number of replies emphasize the need to create an international economic environment that is favourable to development and refer, inter alia, to obstacles to the realization of the right to development, international trade relations, deteriorating terms of trade, protectionism, debt, declining aid flows, sanctions and other coercive measures and aggression.

26. Most Governments consider that the realization of the right to development is essentially and primarily the responsibility of States. They also consider, however, that national efforts can be successful only if they are based on and supported by appropriate international action. The synergy that must exist between national efforts and international action for the implementation of the right to development is thus particularly underlined. Emphasis is also placed on the responsibility of States to ensure that international institutions function in a proper and coordinated manner.

27. A number of Governments emphasize the role of international institutions and the importance of strengthening appropriate international cooperation and assistance, both bilateral and multilateral, in order to implement the right to development. Some countries identify a number of areas in which Governments can act and for which international cooperation and assistance are essential. They consider that technical cooperation must not be used to impose a particular model of development on the recipient country, but must take into account the recipient country's own development strategy.

28. Some Governments express the need to establish effective machinery to promote and monitor the implementation of the right to development.

29. Certain Governments stress that the central subject of development is the human person. Democracy, good governance and the full enjoyment of human rights - whether civil and political rights or economic, social and cultural rights - are at the same time prerequisites for development in the broad sense of the term. True development requires that individuals and groups should be able to take an active part in decision-making and development processes and programmes in their own country.

Obstacles

30. In their written and oral statements, the representatives of Governments drew attention to national and international obstacles to the implementation of the right of development.

31. Most of these obstacles are the same as those listed by the Working Group in the reports on its first and second sessions. They include violence in all its forms, to which the United Nations Secretary-General refers in his recommendations on An Agenda for Development. It is clear that peace in the broadest sense is a basic component of the realization of the right to development.

32. Foreign aggression, domestic insecurity and social instability, insufficient participation by all segments of civil society and corruption in the management of public and private affairs are obstacles to be eliminated.

33. Structural inequalities in the international system are also regarded as characterizing the international environment; the debt burden, protectionism, deteriorating terms of trade and declining aid flows are referred to by several Governments as characterizing an international environment which is not conducive to the full realization of the right to development.

34. The lack of democracy in the international financial institutions, conditionalities imposed on debtor countries by the international financial institutions and similar prescriptions imposed by these institutions on different societies at different levels of development constitute obstacles to the realization of the right to development.

35. Some Governments state that a major obstacle to the implementation of the right to development is the use of unilateral coercive measures such as the freezing of assets, embargoes and blockades. These measures are particularly negative because they are prejudicial to the realization of the right to development.

II. CONTRIBUTION OF NON-GOVERNMENTAL ORGANIZATIONS TO THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

36. At its third session, the Working Group received a limited number of written replies from non-governmental organizations to a note verbale addressed to non-governmental organizations in pursuance of Commission on Human Rights resolutions 1993/22 and 1994/21. The written replies are contained in documents E/CN.4/AC.45/1994/5 and E/CN.4/AC.45/1994/CRP.1. The Working Group also heard a number of oral statements made by non-governmental organizations. 2/ It expressed its appreciation for the replies received and encourages non-governmental organizations to continue to reply in accordance with the guidelines and check-list it adopted at its first session.

37. A number of non-governmental organizations indicate that they are active both at the national and international levels, reflecting a global approach in their implementation of the right to development. In recent years, however, they have begun increasingly to focus on the international economic environment. They point out that the economic model on which structural adjustment programmes are based has not only failed to address the problem of poverty and inequalities, but has contributed to a further concentration of wealth and power, on the one hand, and to the exclusion and marginalization of the poor, on the other. This phenomenon has led to the further marginalization and exclusion of the poorest countries.

38. The replies of many non-governmental organizations indicate that the implementation of the right to development requires recognition that development is a global, multidimensional process in which economic development is not an end in itself, but only a means of achieving broader social objectives, with respect for environmental concerns. In their view, the right to development is based on a number of fundamental principles such as non-discrimination, equality, equity, social justice, solidarity and self-reliance, which must be respected, even in the short-term. Moreover, the process of development has an internal dimension and must be determined by the people of each country. They underline that there is no one universal model of development, based on a uniform economic premise. The implementation of the right to development requires external catalysts, not external determinants.

39. Many non-governmental organizations indicate that growing poverty and inequalities are major obstacles that must be overcome for the implementation of the right to development. To do so effectively, it is necessary to

distinguish between the manifestations and the root causes of poverty. Measures designed to alleviate poverty are also not strong enough to overcome the factors of impoverishment. Even when they are immediately necessary, they must form part of an overall global strategy to eradicate poverty.

40. Many non-governmental organizations point to the lack of participation and the existence of inequitable socio-economic structures at the national level and reiterate that the human person, individually and collectively, must be the active participant in development. They emphasize that there is a need to establish equitable and participatory structures and the democratization of the right of access to land and resources, to ownership and management of productive assets and to local markets. This, they state, requires the reactivation and strengthening of the domestic economy through the promotion of investment and redistribution of income and access to productive resources. They also point to the absence of popular participation in the activities of international multilateral organizations. They underline that ensuring popular participation is the responsibility not only of the State, but also of international development bodies and agencies and international financial institutions. To this end, international cooperation and solidarity are required.

41. Some non-governmental organizations emphasize that, while democracy is essential, the form it takes must be determined by each country in the light of its own particular circumstances. Democracy is not an end in itself; it must facilitate the struggle against poverty, marginalization and exclusion and lead to the eradication of inequalities.

42. Some non-governmental organizations state that social compensation programmes which are aimed only at alleviating the negative effects of structural adjustment programmes on the poorest population groups through emergency social spending consider the poor only as objects for charity rather than as subjects of development capable of forging their own destiny.

43. Some non-governmental organizations underline that insufficient accountability, transparency and governability in the functioning of international financial institutions is an obstacle to the implementation of the right to development. Many non-governmental organizations point to the lack of coordination between international financial institutions and the United Nations system.

44. Some non-governmental organizations indicate that measures to increase "labour market flexibility" imposed on debtor countries through structural adjustment programmes have a negative impact.

45. A number of non-governmental organizations point out that the entry of large transnational corporations into internal markets tends in some countries to provoke closure of national industries and the dismissal of workers and is a cause of unemployment and the growth of the informal sector.

46. Many non-governmental organizations emphasize that the State has the primary role and responsibility to implement the right to development in both its individual and its collective dimensions.

47. In their written replies and oral statements, some non-governmental organizations identify the following elements as constituting obstacles to the implementation of the right to development:

(a) The lack of participation of women, workers and disadvantaged and vulnerable groups and violations of their rights;

(b) Structural factors of impoverishment at the national and international levels, including inequalities in the ownership, control and access to productive resources, education, skills and markets and the widening gap between North and South;

(c) The foreign debt of developing countries, debt-servicing and interest payments, structural adjustment programmes and conditionalities imposed on debtor countries by international financial institutions;

(d) Unfair trading conditions, distortions and inequities in international flows, usurious interest rates in international financial markets, protectionism in industrialized countries against developing countries' exports and overconsumption and waste of natural resources in the North, all of which result in the net negative transfer of resources from South to North;

(e) The process of globalization led by corporate interests and the absence of international legislation and efficient international institutions to regulate the activities of transnational firms and banks;

(f) The related phenomenon of jobless growth;

(g) The lack of democracy, accountability, transparency and governability in the functioning of international financial institutions;

(h) The functioning of international financial institutions without any control by the United Nations General Assembly and the Economic and Social Council;

(i) The perception that there is only one universal economic premise and one model of development, the neo-liberal model, which is reflected in the structural adjustment programmes applied by international financial institutions;

(j) The notion of short-term sacrifices and "social costs", said to be necessary and inevitable during the period of transition to the neo-liberal model of development;

(k) Social compensation programmes that consider the poor as objects for charity rather than as subjects capable of forging their own destiny;

(l) Civil wars and religious conflicts, regional conflicts, militarization and the arms trade at the expense of human and social development;

(m) Corruption in all parts of the world and impunity enjoyed by those responsible for it.

48. In their written replies and oral statements, some non-governmental organizations made a number of suggestions for the implementation of the right to development. At the national level, these include:

(a) Taking account of both the individual and the collective dimensions of development. Every individual has the right to be placed in the best possible conditions for the full realization of his human potential, which entails the duty of the State to organize society in a manner conducive to that realization;

(b) Promoting popular participation through economic and political empowerment based on increased ownership and management of productive resources, including land, credit and technology, the equitable and efficient distribution of food, as well as access to markets, jobs, social services, income and knowledge;

(c) Improving living conditions in order to tackle the problem of poverty;

(d) Setting up economic programmes based on the recognition of the rights of women as agents and beneficiaries. The economic, political, social and cultural barriers which discriminate against women and undermine equality of opportunity must be taken into account when formulating policies. Education and awareness building, as well as the satisfaction of the basic needs of the entire population, are essential to promote the implementation of the right to development;

(e) The existence of corruption and the manner in which power is exercised in certain countries is a major obstacle to the implementation of the right to development and must be eradicated.

49. At the international level, many non-governmental organizations point out that the right to development cannot be implemented without correcting the fundamental inequalities and injustices inherent in the international economic system. They underline that such action requires international cooperation and solidarity and not charitable action. In their written and oral statements, they recommend that the right to development should be implemented, inter alia, through the following measures:

(a) Reduce and selectively cancel the multilateral, bilateral and commercial debts of developing countries;

(b) Create a fair and equitable world trading system and support for regional trading arrangements that maximize complementarity;

(c) Create regional arrangements to pool mineral and other natural resources, technology, knowledge, finance and labour and international cooperation to assist countries to produce goods for regional trade;

(d) Reform the international monetary system with a view to correcting distortions and discouraging international financial speculation;

(e) Restore responsibility and competence to the General Assembly and the Economic and Social Council for the achievement of the objectives proclaimed in Article 55 of the Charter and in establishing a just and equitable international economic order with a view to promoting human development and well-being for all in all parts of the world;

(f) Democratize international financial institutions and ensure accountability and transparency in their functioning; monitor their compliance with the Charter of the United Nations and international human rights and labour instruments and their full integration into a reformed United Nations system;

(g) Improve international economic relations through changes in production and consumption patterns in the countries of the North;

(h) Introduce international legislation and efficient international institutions to regulate the activities of transnational firms and banks, including resumption of multilateral negotiations on a code of conduct for transnational corporations;

(i) Eliminate corruption in international relations.

III. FOLLOW-UP TO THE RECOMMENDATIONS OF THE FIRST AND SECOND SESSIONS: REVISED CHAPTER II OF THE REPORT OF THE WORKING GROUP ON ITS SECOND SESSION (E/CN.4/1994/11)

50. At its second session, the Working Group continued the process of consultation with the representatives of various international bodies and agencies for the twofold purpose of: (i) obtaining further information on the implementation of the right to development in their programmes and activities and evaluating the obstacles to its implementation; and (ii) exploring, in a preliminary manner and in cooperation with those institutions, ways and means to implement the right to development.

51. The Working Group expresses its appreciation to those agencies which have contributed by their written, and even more so by their oral, statements to shed light on problems in the implementation of the Declaration. It feels that further wide-ranging dialogue with the agencies will show how they can help to make the right to development more operational. Although only a few of the agencies had the opportunity to respond specifically to the Working Group's guidelines and check-list of questions, the evidence from those that did indicates that they provide a useful basis for such dialogue.

52. A number of representatives indicate that they have, either implicitly or explicitly, taken into account the principles and objectives contained in the provisions of the Declaration on the Right to Development. The Working Group

is particularly pleased that one agency, UNFPA, has already incorporated the right to development in the material prepared for the International Conference on Population and Development held in Cairo. In general, however, this recognition is confined to general principles and much more has to be done to translate it into operational reality.

53. Obviously, the right to development is not stated as such in the mandates of these international organizations. In fact, the broad structures of the programmes of these organizations do not include the concept of the right to development either as a universal right, due to every human being and to all peoples, or as a global and multidimensional right, whose economic, social, cultural and political aspects are perceived as interdependent and complementary. Moreover, international organizations have adopted only a partial and fragmented approach to human rights, with the result that they are being implemented selectively.

54. One general constraint on the implementation of the right to development is that transfers of resources from multilateral, bilateral and private sources are insufficient compared with needs, which are increasing constantly. Available aid is, moreover, increasingly being redeployed to meet emergency needs.

55. Another constraint within international agencies is the unequal distribution of these resources, with too little being devoted to social, as distinct from primarily economic, purposes. A further constraint on the implementation of the right to development comes from the sectoral approach the agencies have adopted and the emphasis only on economic growth at the expense of other aspects of development. Representatives of some agencies, such as UNDP, indicated that a reorientation of this approach is under way through the introduction of the idea of sustainable human development, as stated at a number of international conferences, particularly the eighth session of the United Nations Conference on Trade and Development held in Cartagena, Colombia, in 1992, the United Nations Conference on Environment and Development (the "Earth Summit") held in Rio de Janeiro in 1992 and the World Conference on Human Rights held in Vienna in 1993. It is to be expected that these new orientations will be reinforced as a result of the International Conference on Population and Development in Cairo in 1994, the World Summit for Social Development in Copenhagen in 1995 and the Fourth World Conference on Women in Beijing in 1995.

56. Many agencies refer to the rise in social problems in the world and the increasing difficulties facing all countries in providing social protection. The trends already experienced imply that, while such aspects as popular participation, democratization, full enjoyment of human rights and strong social policies are essential for the implementation of the right to development, the means available to achieve these objectives are very inadequate.

57. In the case of structural adjustment programmes, the need to introduce social safety nets aimed at mitigating the negative social effects of these programmes involve the risk that, unless care is taken, they could become a substitute for development-oriented global macroeconomic policies.

58. The Declaration on the Right to Development requires, inter alia, that the balance must be preserved between economic and social development. The concepts contained in the Declaration must therefore form, within their areas of competence, an integral part of the policies and programmes of all United Nations bodies and agencies, including the Bretton Woods institutions and the future World Trade Organization. As such, the Declaration might help to bridge the gap between macroeconomic policies and social objectives, as well as the gap between the institutions dealing with questions relating to human rights and social problems and those involved in areas such as finance, economic development and political and legal affairs.

59. The reports published by various United Nations bodies make it clear that the objectives that the international community had in mind in framing the right to development are not being achieved for all individuals and all peoples, given the deterioration in the standard and conditions of living of large proportions of the world population and the increase in social scourges, such as illiteracy, unemployment and poverty, despite the efforts of multilateral agencies.

60. The multidimensional character of the right to development requires that all United Nations bodies and agencies should act together, in harmony, to achieve the common objectives. Insufficient coordination within the United Nations system is a major obstacle to the realization of the right to development. The efforts made so far to improve coordination have not yet achieved the desired results. Each of the specialized agencies, although formally linked to the United Nations system, is accountable only to its own governing body from which it derives its mandate. Furthermore, even the major programmes of the United Nations have an autonomy which is comparable to that enjoyed by the specialized agencies.

61. The adoption by the World Conference on Human Rights of the concepts contained in the Declaration entails, among other things, a duty to coordinate efforts at the international level. The existing coordinating machinery, such as the Administrative Committee on Coordination (ACC) and the Consultative Committee on Programme and Operational Questions (CCPOQ), is not allowed to deal with this question effectively. The Economic and Social Council is a weak link in the system. Strong and effective political support by Member States is required to make the concept of the right to development operational. The Working Group emphasizes, in particular, that greater coordination and more transparency in the collection and allocation of resources within the United Nations system are necessary.

62. One of the weaknesses of the United Nations system which prevents it from integrating the principles of the right to development in its operational activities is the tendency to separate economic development from social development and macroeconomic policies from social objectives. Moreover, the imperatives of economic growth impose themselves on the social objectives of development. The problem is accentuated by the continuing marginalization of economic, social and cultural rights within the United Nations system.

63. In the final analysis, the right to development is more than development itself; it implies a human rights approach to development, which is something new. The Working Group considers that, for the right to development to be

fully effective as a human right, at least two elements are required: first, the need to establish minimum standards and targets and, second, the need for a process of accountability. Recognizing the need to strengthen the full interdependence of all aspects of the right to development and taking into account the different conditions existing in various countries, as well as the complexity of the issues involved, the Working Group agrees to give further consideration to these important aspects at its next session.

IV. COOPERATION BETWEEN THE WORKING GROUP AND THE TREATY MONITORING BODIES

64. The Working Group welcomes the fruitful exchange of views it held with the Vice-Chairman of the Committee on the Rights of the Child.

65. The Working Group attaches special importance to increased cooperation with the committees for the two International Covenants on Human Rights and other treaty monitoring bodies. It would like to obtain as much detailed information as possible on the work of these bodies, the problems encountered and the progress made.

66. The Working Group expresses the hope that its Chairman will be invited to attend the meetings of these bodies, where appropriate, for an exchange of views on the realization of the right to development.

67. The Working Group is convinced of the need to continue and complete, by all appropriate means, the dialogue with the treaty bodies, jointly or separately, with a view to strengthening measures for the realization of the right to development.

V. WORLD SUMMIT FOR SOCIAL DEVELOPMENT

68. The Working Group considers that the World Summit for Social Development will provide an opportunity to discuss three key topics for the realization of the right to development: reduction of poverty, productive employment and social integration in the context of the internationally recognized economic, social and cultural rights. This process will be decisive in strengthening the legitimacy of the United Nations system in dealing with development as a holistic concept.

69. The Working Group is confident that the World Summit will promote objective conditions to enable the international community to make social problems the focus of its concerns and define a set of political undertakings that will be reflected in its operational plan of action, which each country will apply in accordance with its particular national characteristics and circumstances.

VI. CONCLUSIONS AND RECOMMENDATIONS

70. The Working Group welcomes with satisfaction the contributions made by Governments and reiterates the invitation to those Governments which have not yet done so to communicate the necessary information to the Working Group on the basis of the check-list and the guidelines and to take part through their contributions in the joint analysis of the items on the agenda.

71. The Governments of Member States bear the highest responsibility for the implementation of the right to development. They should therefore give the most serious consideration to the basic concepts embodied in the 1986 Declaration and to the new concepts developed at a number of recent world conferences, such as UNCTAD VIII in Cartagena, the Earth Summit in Rio, the Vienna Conference on Human Rights, the World Summit for Children in New York and the Cairo Conference on Population and Development, as well as through the preparatory work for the World Summit for Social Development in Copenhagen and the Women's Conference in Beijing. These concepts include sustainability and respect for the environment, democracy and respect for all human rights, social as well as economic development and the fundamental role played by women, both as participants and as beneficiaries of development. Thus defined, the right to development should have a decisive influence not only on the domestic policies, but also on the foreign policies of States, either in their bilateral relations or in their contribution to regional and multilateral cooperation efforts.

72. The Working Group considers that peace is essential for the realization of the right to development, just as development is essential for the settlement of disputes and putting an end to war. Peace in the broadest sense is a need shared by all regions and all countries in the world and felt in all aspects of social life. The communications media have a key role to play in the dissemination of the culture of peace.

73. Violence, conflict and the use or threat of the use of force in all its forms - international as well as internal - absorb economic and human resources and are major obstacles to the full realization of the right to development. Greater emphasis should be placed on the prevention and resolution of these problems and on tackling their root causes so as to create a peaceful international and domestic environment for the realization of the right to development. States should also do their utmost to reduce military expenditure and to channel available resources to the realization of the right to development.

74. Democracy, good governance, the full enjoyment of human rights and development are mutually reinforcing. The development process requires that individuals and groups - including the most vulnerable ones - are able to take an active part in decision-making and development processes and programmes in their own country.

75. The concept of sustainable development must form an integral part of the right to development and should therefore include respect for human rights and the environment.

76. States have primary responsibility to ensure the conditions necessary for the enjoyment of the right to development, as both an individual and a collective right. Development cannot be seen as an imported phenomenon or one that is based on the charity of developed countries.

77. The implementation of the right to development can be only the result of national policy and strategy which necessarily take into consideration the specific context of each country while acknowledging economic realities. There is no ready-made model which can be applied universally by all States

for the implementation of the right to development. It can be only the result of a long and laborious process which must develop according to the specific conditions inherent to each country and which necessitates a commitment on the part of each State and the cooperation of all States.

78. The globalization of economic activities is a fact and creates interdependence among States; hence the need for international solidarity and collective responsibility at the level of the international community. In this context, the creation of an appropriate and favourable international environment is indispensable for the realization of the right to development.

79. The enjoyment of all human rights requires that States should create the necessary conditions at both the national and the international levels so that all individuals can develop their potential. The State cannot abandon its responsibility and submit to market forces. It is also the responsibility of States to ensure that international institutions function in a transparent, accountable and coordinated manner.

80. It is necessary to redress the imbalance caused by the interest Governments show in the realization of some human rights rather than others. There should be greater emphasis on economic, social and cultural rights.

81. The Working Group notes that, while the implementation mechanism of the International Covenant on Civil and Political Rights has been strengthened by the Optional Protocol to the Covenant, the implementation mechanism of the International Covenant on Economic, Social and Cultural Rights is lagging behind. The Vienna Declaration and Programme of Action (para. 75) calls on the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights. The Working Group supports this proposal and recommends that urgent consideration should be given to this question, so as to strengthen the principle of the universal, indivisible and interdependent nature of all internationally recognized human rights.

82. The removal of national and international obstacles to the implementation of the right to development will require the mobilization of resources within the community and the establishment of the material basis for development, including the structures necessary to ensure access to health, education, employment and social welfare.

83. It is essential to strengthen appropriate international cooperation and assistance, both bilateral and multilateral, in order t implement the right to development. Technical cooperation should not be used to impose models of economic development on a recipient country if those models do not fully take into account the policy framework and development strategies of that country.

84. Development is a continuous, fragile and reversible process, but the right to development is inalienable. Hence a permanent mechanism is required to follow up and evaluate the implementation of the right to development as proposed by the Commission on Human Rights. The Working Group will continue its consideration of the question at its next session.

85. Having analysed the contributions of Governments and non-governmental organizations, the Working Group expressed its appreciation for the contribution which the regional commissions have made and can make in future so that Governments will promote the realization of the right to development, taking account of the concept of equitable growth.

86. The Working Group welcomes with satisfaction the contributions made by non-governmental organizations and considers that they are of particular importance because of these organizations' direct field experience in developing countries.

87. The Working Group recognizes the important role that non-governmental organizations can play in the national, regional and international implementation of the right to development. It believes they have an essential role to play in promoting human rights education and training and in the dissemination and implementation of the Declaration.

88. Nationally, they can help to increase popular participation in the various activities that make up the right to development and to promote a multidimensional approach. They can also make a significant contribution at the national level by suggesting and taking part in the setting of standards and goals by which to evaluate progress in the implementation of the right to development in keeping with the particular conditions and institutional arrangements in different countries.

89. The Commission on Human Rights and the Economic and Social Council should encourage and stimulate non-governmental organizations engaged in development issues in the field to participate actively in the Working Group on the Right to Development and in other human rights bodies.

90. The Working Group considers that, in giving greater attention to economic, social and cultural rights, particular attention must be paid to the protection of the cultural heritage of all peoples, in particular those in developing countries.

91. As mentioned in the report of the Working Group on its first session (E/CN.4/1994/21), participation is one of the requirements for the realization of the right to development. Communities must play a real part in all the development processes, in the economic, political, cultural, social and ecological areas. There must be popular participation at every level of participatory democracy, including the formulation and planning of development policies and programmes, their execution and the monitoring and supervision of their implementation.

92. One of the obstacles to the realization of the right to development is the unequal participation of women in the formulation, execution and evaluation of development policies and programmes and the limited representation of women in bodies having political power and in the State sphere. Full participation of women in the economic, social, cultural and political life of their community can be achieved only if States recognize women's ability by adopting appropriate legislation and if society becomes aware of the need to eliminate hidden discrimination, in other words, when the

factors which form the basis of prejudice are eradicated from people's minds, together with the tendency to regard women as incapable of being active subjects of community development.

93. Internationally and regionally, non-governmental organizations have an important role to play in making sure that civil society, which is a crucial element in the realization of the right to development, has an influence on Government activities. They also have the authority to put pressure on Government departments and private-sector businesses and on representative bodies active in the fields of international economics and development to incorporate the right to development specifically into their activities.

94. Implementing the right to development involves a learning process, an emphasis on human capacities and resources and an empowerment of vulnerable groups such as women, children, minorities and indigenous peoples and the disabled. Improving educational systems and teaching, training and dissemination activities is of crucial importance. Formal and informal educational systems should give high priority to education for peace, human rights and development.

95. The realization of the right to development requires not only firm political will at the national and international levels, but also far-reaching changes in national and international structures and institutions involved in the realization of the right to development.

96. In order to strengthen international cooperation and solidarity, more appropriate conditions should be established for a balanced exchange of resources between North and South. More substantial resources are needed if the right to development is to be achieved. Not only are greater resource transfers internationally required, but also a redirection of current resources, both internal and external.

97. The Working Group recommends that the international community should ensure greater transparency in the activities of international financial institutions and the strengthening of consultations between such institutions and the Governments of Member States.

98. The Working Group recommends to the Commission on Human Rights at its fifty-first session that two sessions of the Working Group should be held in 1995, in April and September, respectively, in order to enable it to complete its work. The provisional agendas adopted by the Working Group are contained in annex III.

99. The Working Group recommends to the Commission on Human Rights at its fifty-first session that its final report be considered by the General Assembly in the context of its fiftieth anniversary, along with other important documentation relating to development.

Notes

1/ Representatives of the following States made oral statements: Austria, Brazil, Colombia, Cuba, Denmark, Egypt, Finland, France, Germany, Indonesia, Mexico, Norway, Peru, Sweden. The following States sent written contributions: Azerbaijan, Belize, China, Côte d'Ivoire, Croatia, Fiji, Finland, Germany, Jordan, Kazakhstan, Libyan Arab Jamahiriya, Madagascar, Mauritius, Myanmar, Yugoslavia, Zimbabwe.

2/ Representatives of the following non-governmental organizations made oral statements: African Association of Education for Development; American Association of Jurists; Center for the Study and Promotion of Development; International Confederation of Free Trade Unions; International Council of Voluntary Agencies; International Movement ATD Fourth World; OXFAM; Women's International League for Peace and Freedom. The following non-governmental organizations submitted written contributions: Caritas Internationalis; Commonwealth Medical Association; International Confederation of Free Trade Unions; International Federation Terre des Hommes; International Planned Parenthood Federation; Lutheran World Federation; OXFAM; Regional Council on Human Rights in Asia; Soroptimist International; Women's International League for Peace and Freedom; World Organization against Torture. Written contributions were also received from the following other organizations: Asian Women's Human Rights Council; International Council of Environmental Law; Steering Committee for Humanitarian Response.

Annex I

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Mr. H. Campodónico

Annex II

Agenda

1. Evaluation of the implementation of the Declaration on the Right to Development by Governments

2. Evaluation of the contribution of non-governmental organizations to the implementation of the Declaration

3. Follow-up to the recommendations of the first and second sessions

4. Cooperation between the Working Group and the treaty monitoring bodies

5. Contribution of the Working Group to the World Summit for Social Development

6. Other matters

7. Draft provisional agenda for the next session of the Working Group.

Annex III

DRAFT PROVISIONAL AGENDA FOR THE FOURTH SESSION OF THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT

1. Implementation of the Declaration on the Right to Development by Governments

2. Contributions of treaty monitoring bodies to the implementation of the Declaration

3. Contributions of the regional commissions to the implementation of the Declaration

4. Contributions of world conferences and summits to the implementation of the Declaration

5. Structure of the final report

6. Other matters.

DRAFT PROVISIONAL AGENDA FOR THE FIFTH SESSION OF THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT

Preparation of the final report of the Working Group to the Commission on Human Rights.

Annex IV

LIST OF DOCUMENTS

Documents prepared for the session

E/CN.4/1995/11	Report of the Working Group on its second session
E/CN.4/AC.45/1994/3/Rev.1	Agenda
E/CN.4/AC.45/1994/4 and Add.1	Report of the Secretary-General submitted in accordance with Commission resolution 1993/22, replies received from Governments
E/CN.4/AC.45/1994/5	Report of the Secretary-General submitted in accordance with Commission resolution 1993/22, replies received from non-governmental and other organizations
E/CN.4/AC.45/1994/6 and Add.1	Report of the Secretary-General submitted in accordance with Commission resolution 1993/22, replies received from United Nations bodies and specialized agencies
E/CN.4/AC.45/1994/CRP.1	Statement by non-governmental organizations to the Second Preparatory Committee for the World Summit for Social Development

Background and reference documents

E/CN.4/Sub.2/1994/19	Interim report on human rights and extreme poverty by L. Despouy, Special Rapporteur
E/CN.4/Sub.2/1994/20	The right to adequate housing: second progress report by R. Sachar, Special Rapporteur
E/CN.4/Sub.2/1994/21	Preparatory document on the relationship between the enjoyment of human rights and income distribution, by A. Eide
E/CN.4/Sub.2/1994/47	Note verbale, Permanent Mission of Yugoslavia to the Chairman of the Sub-Commission

SUB-COMMISSION RESOLUTIONS

1994/3 Monitoring the transition to democracy in South Africa

1994/8 Children and the right to adequate housing

1994/37 Measures towards the full realization of economic, social and cultural rights

1994/38 Promoting the realization of the right to adequate housing

1994/39 Forced evictions

1994/40 Human rights and income distribution

1994/41 Human rights and extreme poverty

E/CN.4/Sub.2/1994/NGO/2	Written statement by Habitat International Coalition
E/CN.4/Sub.2/1994/NGO/7	Written statement by Habitat International Coalition
E/CN.4/Sub.2/1994/NGO/18	Joint written statement by Habitat International Coalition
A/48/935	An Agenda for Development, Report of the Secretary-General
A/CONF.166/PC/L.13	Outcome of the World Summit for Social Development: draft declaration and draft programme of action, note by the Secretary-General
A/CONF.166/PC/CRP.2	Outcome of the World Summit for Social Development: draft declaration and programme of action. First revision of the draft programme of action
	Draft declaration - revised text as proposed by the drafting group of the Second Preparatory Committee

A/49/...

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.

Report of the 5th meeting of persons chairing the human rights treaty bodies

Africa: Action for recovery (OXFAM)

Annual Survey of Violations of Trade Union Rights in All Parts of the World - 1994, International Confederation of Free Trade Unions (ICFTU)

Africa: A New Lease on Life
Kenya Symposium 1993
World Organization against Torture
(1993)

Manila '91, International Symposium,
Democracy, Development, Human Rights
World Organization against Torture
(1991)

Development and Human Rights, The
Least Developed Countries,
World Organization against Torture
(1990)